

110TH CONGRESS
1ST SESSION

H. R. 2301

To establish a Livestock Identification Board to create and implement a national livestock identification system.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2007

Mr. KING of Iowa introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To establish a Livestock Identification Board to create and implement a national livestock identification system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Livestock Identifica-
5 tion and Marketing Opportunities Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) For purposes of animal health investigation
9 and surveillance, there needs to be an identification
10 system that can trace animals from the time of first

1 movement of the animal from its original premises
2 to the time of slaughter of the animal in less than
3 48 hours.

4 (2) The beef industry estimates that the United
5 States cattle industry lost approximately
6 \$3,000,000,000 in export value on beef, beef variety
7 meats, hides, and tallow during the 12 months since
8 a December 2003 diagnosis in the United States of
9 bovine spongiform encephalopathy. A livestock iden-
10 tification system may have prevented some of this
11 loss.

12 (3) In order to be as efficient as possible, the
13 livestock identification system needs to be automated
14 and electronic with participants using compatible
15 technologies.

16 (4) The livestock identification system needs to
17 be flexible enough to adapt to changes in technology
18 and to the demands of the industry and the markets.

19 (5) The best technology available should be
20 used for the livestock identification system while still
21 allowing for registration into the system for livestock
22 owners who are economically disadvantaged.

23 (6) Confidentiality of information on animal
24 movements, sales, and ownership is necessary to en-
25 sure that livestock owners have the confidence to

1 comply with and fully participate in the livestock
2 identification system.

3 (7) Besides animal disease surveillance, the live-
4 stock identification system should provide a commer-
5 cial information exchange infrastructure that would
6 allow for enhanced marketing opportunities.

7 **SEC. 3. LIVESTOCK IDENTIFICATION BOARD.**

8 (a) ESTABLISHMENT.—There is established a board
9 to be known as the “Livestock Identification Board”.

10 (b) DUTIES.—The duties of the Board shall be to—

11 (1) establish and maintain an electronic live-
12 stock identification system that—

13 (A) is capable of tracing all livestock in the
14 United States from the time of first movement
15 of the livestock from its original premises to the
16 time of slaughter of such livestock in less than
17 48 hours;

18 (B) tracks all relevant information about
19 the livestock, including—

20 (i) the livestock identification number
21 or the group or lot identification number
22 for the livestock, as applicable;

23 (ii) the date the livestock identifica-
24 tion number or the group or lot identifica-
25 tion number was assigned;

1 (iii) the premises identification num-
2 ber;

3 (iv) the species of the livestock;

4 (v) the date of birth of the livestock,
5 to the extent possible;

6 (vi) the sex of the livestock;

7 (vii) any other information the Board
8 considers appropriate for animal disease
9 surveillance; and

10 (viii) any other information that the
11 person who owns or controls the livestock
12 voluntarily submits to the Board;

13 (2) maintain information obtained through the
14 livestock identification system in a centralized data
15 system; and

16 (3) determine the official identification tech-
17 nology to be used to track animals under the live-
18 stock identification system.

19 (c) POWERS.—The Board may—

20 (1) prescribe and collect fees to recover the
21 costs of the livestock identification system;

22 (2) establish and maintain a grant program to
23 assist persons with fulfilling the requirements of the
24 livestock identification system; and

1 (3) subject to section 5(b), require the Sec-
2 retary of Agriculture to—

3 (A) verify that each animal, or group of
4 animals, where applicable, subject to the live-
5 stock identification system established pursuant
6 to this section is properly identified upon first
7 entry of the animal into commerce; and

8 (B) for any animal or group of animals
9 that the Secretary determines is not properly
10 identified, identify such animal or group of ani-
11 mals using the official identification technology
12 before such animal or group of animals enters
13 commerce.

14 (d) MEMBERSHIP.—

15 (1) VOTING MEMBERS.—The Board shall be
16 composed of 7 voting members appointed by the Sec-
17 retary of Agriculture, in consultation with the Chair
18 and ranking minority member of the relevant con-
19 gressional committees, of whom—

20 (A) 1 member shall be a representative of
21 cattle owners;

22 (B) 1 member shall be a representative of
23 swine owners;

24 (C) 1 member shall be a representative of
25 sheep and goat owners;

1 (D) 1 member shall be a representative of
2 poultry owners;

3 (E) 1 member shall be a representative of
4 livestock auction market operators;

5 (F) 1 member shall be a representative of
6 meat processors; and

7 (G) 1 member shall be a person actively
8 engaged in the livestock industry.

9 (2) NON-VOTING MEMBERS.—The Board shall
10 include 2 non-voting members appointed by the Sec-
11 retary, in consultation with the Chair and ranking
12 minority member of the relevant congressional com-
13 mittees, of whom—

14 (A) 1 member shall be a representative of
15 the Department of Agriculture; and

16 (B) 1 member shall be a representative of
17 State or tribal veterinarians or State or tribal
18 agriculture agencies.

19 (3) TERMS.—

20 (A) IN GENERAL.—Each member shall be
21 appointed for a term of 3 years, except as pro-
22 vided by subparagraphs (B) and (C).

23 (B) TERMS OF INITIAL APPOINTEES.—As
24 designated by the Secretary at the time of ap-

1 pointment, of the voting members first ap-
2 pointed—

3 (i) the members appointed under sub-
4 paragraphs (B), (D), and (E) of paragraph
5 (1) shall be appointed for a term of 2
6 years; and

7 (ii) the members appointed under sub-
8 paragraphs (C) and (G) of paragraph (1)
9 shall be appointed for a term of 1 year.

10 (C) VACANCIES.—Any member appointed
11 to fill a vacancy occurring before the expiration
12 of the term for which the member's predecessor
13 was appointed shall be appointed only for the
14 remainder of that term. A member may serve
15 after the expiration of that member's term until
16 a successor has taken office. A vacancy in the
17 Board shall be filled in the manner in which the
18 original appointment was made.

19 (4) CHAIR.—The Chair of the Board shall be
20 elected by its members.

21 (5) APPOINTMENT.—The Secretary shall ap-
22 point all members of the Board not later than 45
23 days after the date of the enactment of this Act.

24 (e) MEETINGS.—

1 (1) INITIAL MEETING.—Not later than 60 days
2 after the date of the enactment of this Act, the
3 Board shall hold its initial meeting.

4 (2) SUBSEQUENT MEETINGS.—The Board shall
5 meet at the call of the Chair.

6 (f) QUORUM.—4 voting members of the Board shall
7 constitute a quorum.

8 (g) PAY.—Members of the Board shall serve without
9 compensation.

10 (h) TRAVEL EXPENSES.—Each member of the Board
11 shall receive travel expenses, including per diem in lieu
12 of subsistence, in accordance with applicable provisions
13 under subchapter I of chapter 57 of title 5, United States
14 Code.

15 (i) STAFF.—The Board may appoint and fix the pay
16 of personnel as the Board considers appropriate.

17 (j) CONTRACTS.—The Board may contract with or
18 compensate any persons for goods or services.

19 (k) RULES AND REGULATIONS.—The Board may
20 issue such rules and regulations as may be necessary to
21 carry out this Act.

22 (l) IMPLEMENTATION.—The Board shall implement
23 the livestock identification system established pursuant to
24 this section not later than December 31, 2008.

25 (m) REPORTS.—

1 (1) REPORTS REQUIRED.—The Board shall
2 submit to the Secretary of Agriculture and the rel-
3 evant congressional committees regular reports in
4 accordance with paragraph (2) on the status of the
5 implementation of the livestock identification system,
6 including—

7 (A) for each species subject to the system,
8 the number of animals or groups of animals
9 tracked by the system; and

10 (B) the percentage of each animal species
11 subject to the livestock identification system
12 that are tracked by the system, which shall be
13 determined by dividing the number submitted
14 under subparagraph (A) for a species by the
15 total number of animals of such species in the
16 United States.

17 (2) SUBMISSION DATES.—

18 (A) INITIAL REPORT.—The Board shall
19 submit an initial report under paragraph (1)
20 not later than one year after the date of the en-
21 actment of this Act.

22 (B) QUARTERLY REPORTS.—Not later
23 than 90 days after the date of the submission
24 of the initial report in accordance with para-
25 graph (A), and quarterly thereafter until the

1 Secretary determines that this Act has been
2 substantially implemented, the Board shall sub-
3 mit subsequent reports under paragraph (1).

4 (C) ANNUAL REPORTS.—Not later than
5 one year after the date on which the Secretary
6 determines under subparagraph (B) that this
7 Act has been substantially implemented, and
8 annually thereafter, the Board shall submit
9 subsequent reports under paragraph (1).

10 **SEC. 4. PREMISES IDENTIFICATIONS.**

11 Not later than nine months after the date of the en-
12 actment of this Act, the Secretary of Agriculture shall es-
13 tablish a premises identification system for all premises
14 in the United States. The premises identification data
15 shall be made available to the Board and shall include—

- 16 (1) a premises identification number;
- 17 (2) the name of the entity that owns or controls
18 the premises;
- 19 (3) contact information for the premises, in-
20 cluding a person, address, and phone number;
- 21 (4) the type of operation at the premises; and
- 22 (5) the date the premises number was assigned.

1 **SEC. 5. VOLUNTARY PARTICIPATION FOR OTHER ANIMAL**
2 **SPECIES.**

3 (a) IN GENERAL.—The owner of an animal or group
4 of animals, where applicable, that is not subject to the live-
5 stock identification system established pursuant to section
6 3 may voluntarily subject such animal or group of animals
7 to tracking by such livestock identification system.

8 (b) ENFORCEMENT EXEMPTION.—The voluntary
9 tracking of such animal or group of animals shall not
10 make the animal or group of animals subject to any en-
11 forcement actions of the Secretary required by the Board
12 pursuant to section 3(c)(3).

13 **SEC. 6. RELEASE OF LIVESTOCK IDENTIFICATION NUM-**
14 **BERING INFORMATION.**

15 (a) FREEDOM OF INFORMATION ACT.—Information
16 obtained through the livestock identification system estab-
17 lished pursuant to section 3 or the premises identification
18 system established pursuant to section 4 is exempt from
19 disclosure under section 552 of title 5, United States
20 Code.

21 (b) CHARACTER OF LIVESTOCK IDENTIFICATION
22 SYSTEM INFORMATION.—Except as provided in sub-
23 sections (c) and (d), information obtained through the
24 livestock identification system or the premises identifica-
25 tion system—

26 (1) may not be released;

1 (2) shall not be considered information in the
2 public domain; and

3 (3) shall be considered commercial information
4 that is privileged and confidential.

5 (c) LIMITED RELEASE OF INFORMATION AUTHOR-
6 IZED.—Notwithstanding subsection (b), the Board may
7 release information obtained through the livestock identi-
8 fication system or the premises identification system
9 (other than information voluntarily submitted pursuant to
10 section 3(b)(1)(B)(viii)) regarding particular livestock if—

11 (1) a disease or pest poses a significant threat
12 to the livestock that the information involves;

13 (2) the release of the information is related to
14 actions the Board may take under this Act; and

15 (3) the person obtaining the information needs
16 the information for reasons consistent with the pub-
17 lic health and public safety purposes of the livestock
18 identification system, as determined by the Secretary
19 of Agriculture.

20 (d) LIMITED RELEASE OF INFORMATION RE-
21 QUIRED.—

22 (1) IN GENERAL.—Notwithstanding subsection
23 (b), the Board shall promptly release information
24 obtained through the livestock identification system
25 or the premises identification system (other than in-

1 formation voluntarily submitted pursuant to section
2 3(b)(1)(B)(viii)) regarding particular livestock—

3 (A) to the person who owns or controls the
4 livestock, if the person requests such informa-
5 tion;

6 (B) to the Secretary of Agriculture for the
7 purpose of animal disease surveillance;

8 (C) to a State or tribal veterinarian or a
9 State or tribal agriculture agency for the pur-
10 pose of animal disease surveillance;

11 (D) to the Attorney General for the pur-
12 pose of investigation or prosecution of a crimi-
13 nal act;

14 (E) to the Secretary of Homeland Security
15 for the purpose of national security;

16 (F) to the Secretary of Health and Human
17 Services for the purpose of protection of public
18 health; and

19 (G) to the government of a foreign coun-
20 try, if release of the information is necessary to
21 trace livestock threatened by disease or pest, as
22 determined by the Secretary.

23 (2) INFORMATION VOLUNTARILY SUBMITTED.—

24 Notwithstanding subsection (b), on the request of a
25 person who owns or controls livestock, the Board

1 shall release information voluntarily submitted to the
2 Board pursuant to section 3(b)(1)(B)(viii) regarding
3 such livestock to such person or to another person.

4 (e) CONFLICT OF LAW.—If the information disclo-
5 sure limitations or requirements of this section conflict
6 with information disclosure limitations or requirements of
7 a State law and such conflict involves interstate or inter-
8 national commerce, this section shall take precedence over
9 the State law.

10 **SEC. 7. REPORT ON IMPACT OF LIVESTOCK IDENTIFICA-**
11 **TION SYSTEM.**

12 Not later than 180 days after the date of the enact-
13 ment of this Act, the Secretary of Agriculture shall submit
14 to the Committees on Appropriations of the House of Rep-
15 resentatives and the Senate, the Committee on Agriculture
16 of the House of Representatives, and the Committee on
17 Agriculture, Nutrition, and Forestry of the Senate a re-
18 port on a livestock identification system, including—

19 (1) the lessons learned and the effectiveness of
20 the animal identification system pilot programs
21 funded in fiscal year 2005;

22 (2) an analysis of the economic impact of a live-
23 stock identification system on the livestock industry;
24 and

1 (3) the expected cost of implementing a live-
2 stock identification system.

3 **SEC. 8. CONFORMING AMENDMENTS.**

4 Subsection (f) of section 282 of the Agricultural Mar-
5 keting Act of 1946 (7 U.S.C. 1638a) is amended—

6 (1) by striking “CERTIFICATION OF
7 ORIGIN.—” and all that follows through “To certify
8 the country of origin” and inserting “CERTIFI-
9 CATION OF ORIGIN; EXISTING CERTIFICATION PRO-
10 GRAMS.—To certify the country of origin”; and

11 (2) by redesignating subparagraphs (A) through
12 (E) as paragraphs (1) through (5), respectively.

13 **SEC. 9. DEFINITIONS.**

14 In this Act:

15 (1) The term “Board” means the Livestock
16 Identification Board established under section 3(a).

17 (2) The term “livestock” means cattle, swine,
18 sheep, goats, and poultry.

19 (3) The term “premises” means a location that
20 holds, manages, or boards animals.

21 (4) The term “relevant congressional commit-
22 tees” means the Committee on Agriculture of the
23 House of Representatives and the Committee on Ag-
24 riculture, Nutrition, and Forestry of the Senate.

1 (5) The term “Secretary” means the Secretary
2 of Agriculture.

3 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 this Act \$33,000,000 for each of the three fiscal years fol-
6 lowing the fiscal year during which this Act is enacted.

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